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LICENSING & APPEALS SUB-COMMITTEE

Minutes of a Meeting held on Monday 25 July 2016 in the Committee Room, Town Hall, Matlock at 10.30am

PRESENT

Councillor Jean Monks - In the Chair

Councillors Tom Donnelly and Richard FitzHerbert

Eileen Tierney (Licensing Manager), Brett Wilson (Barrister) and Christine Laver (Democratic Services Team Leader)

PC Sandra Barlow (Derbyshire Constabulary)

Piers Warne (TLT Solicitors – representing Greene King)

Martin Robson (Business Development Manager - Greene King)

123/16 – ELECTION OF CHAIRMAN

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Tom Donnelly and

RESOLVED

(Unanimously)

That Councillor Jean Monks be elected as Chairman of the Sub-Committee

124/16 – APPLICATION FOR REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 – THE RAILWAY HOTEL, 7 BAKEWELL ROAD, MATLOCK DE4 3AU

On 7th July 2016 the Sub-Committee had considered an Application and Certificate for Summary Review of Premises Licence by a Superintendent of Derbyshire Constabulary in respect of The Railway Hotel, 7 Bakewell Road, Matlock. The application requested immediate suspension of the premises licence.

On that occasion the sub-committee considered that the evidence put before it was insufficient to warrant immediate suspension of the licence. However, having regard to the submissions of the licence holder and the Police it was decided to temporarily modify the conditions of the premises licence by the addition of the following:

1. The DPS shall be present at the premises between 6pm and close on Friday and Saturday nights and will actively manage the premises whilst present.
2. An incident log book shall be maintained at the premises. All incidents witnessed by

staff or notified to staff shall be recorded in the log book, along with date, time, person making the entry, nature of incident and any action taken thereafter.

3. The DPS will liaise with the Police Licensing Officer (or other Officer as nominated in their absence) at least once per week at an agreed time to discuss trading and any incidents.
4. CCTV and a monitor will be installed and be operational at all times when licensable activities are taking place at the premises. As a minimum this shall cover all entrances and exits and the main bar area.

The Chairman invited the participants to introduce themselves, asked whether any party wished the Committee to consider the application in private and confirmed that the Committee was quorate.

The Licensing Manager gave an update on the application. She confirmed that the Premises Supervisor had changed the day after the previous hearing and that the interim conditions had been complied with.

It was noted that Greene King, in liaison with the Police and the Licensing Authority, had put forward a revised operating schedule for the premises and this was acceptable to all parties. The revised operating schedule was presented to the sub-committee for consideration. The opportunity had been taken to update the schedule by removing conditions that were no longer relevant because of legislative changes. The significant change, in the current context was a reduction in opening hours.

The Committee and the other parties were afforded an opportunity to request clarification of the Licensing Manager's report.

The Police were invited to put their case. PC Barlow confirmed the agreement of the Police to the revised Operating Schedule and did not wish to put forward any further evidence.

The Committee had an opportunity to question PC Barlow. The representative of Greene King was also afforded the opportunity to request clarification of any points.

Mr Warne then presented his case on behalf of Greene King.

The Committee had an opportunity to question the Greene King representatives.

All parties were afforded an opportunity to request clarification of any point.

The Committee members confirmed that they had sufficient information to make a decision and withdrew into private session to discuss their findings.

125/16 – DECISION

The Sub-Committee resumed in public session.

It was moved by Councillor Tom Donnelly, seconded by Councillor Richard FitzHerbert and

RESOLVED
(Unanimously)

Having considered all the evidence put before it the sub-committee determined that:

1. The interim conditions imposed at the hearing on 7 July 2016 be revoked with immediate effect.
2. The modification of the conditions of the premises licence, as agreed by the Police and the premises licence holder and detailed below be accepted and that these replace the operating schedule in its entirety.

Reasons for Decision

The Sub-Committee considered that the Police and the premises licence holder had communicated satisfactorily in producing the revised operating schedule.(See below)

The Sub-Committee accepted an assurance, given by the Solicitor representing Greene King, that the policies and procedures detailed in the revised operating schedule would be implemented within 21 days of the hearing.

Railway Matlock DE4 3AU: Proposed revised operating schedule

Hours

We propose to vary the hours of operation and licensable activities as follows:

Sale of alcohol and regulated entertainment (as permitted on the current licence):

Sunday to Wednesday: 10:00 hrs to midnight

Thursday to Saturday: 10:00 hrs to 01:00 hrs the following morning

Late Night Refreshment:

Sunday to Wednesday: 23:00 hrs to 00:30 hrs

Thursday to Saturday: 23:00 hrs to 01:30 hrs

Premises open to the public:

Sunday to Wednesday: 05:00 hrs to 00:30 hrs

Thursday to Saturday: 05:00 hrs to 01:30 hrs

We propose that the seasonal and non-standard timings currently on the premises licence are all removed with the exception of:

- Christmas Eve – to 2am
- New Year's Eve
- Sundays prior to Bank Holiday Mondays

Conditions

We propose that the current operating schedule is replaced in its entirety with the following:

General

- 1 The premises shall install and maintain a comprehensive CCTV system. All entry / exit points and all external areas will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Playback of recordings shall be made available immediately upon the request of Police or authorised officer and recordings of footage relating to a specified criminal offence shall be provided to the officer within an agreed timescale.
- 2 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer access to recorded CCTV images with the absolute minimum of delay when requested.

A minimum of 2 door supervisors will be employed on Fridays and Saturdays whilst regulated entertainment takes place. A risk assessment will be carried out regarding the employment of door staff for other occasions.
- 3 Staff will receive training in relation to the Licensing Act to a standard commensurate with their roles. A record will be kept of training undertaken and the date of such training. This record will be made available to licensing officers on request.
- 4 Staff training – all new staff will be trained within one month of taking up employment and shall be retrained six monthly thereafter. Training will include Drugs awareness, conflict resolution, selling to underage and sale of alcohol to drunks.

Prevention of crime and disorder

- 5 An incident and refusals log ('the log') shall be kept at the premises, and made available on request to an authorised officer of the Licensing Authority or the Police. The log must be completed within 24 hours of any incident witnessed by a staff member or notified to them at the time by a customer and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

As a minimum the log will include:

- (a) the date and time of the incident/ refusal,
 - (b) the name of the person making the record,
 - (c) the nature of the incident/ refusal and
 - (d) any action taken thereafter.
- 6 A serious incident management policy ('the incident policy') will be implemented to ensure that all staff are aware of what actions are to be taken in the event of a serious incident at the premises.

- 7 The manager/ DPS will ensure that the premises operates any night time radio link scheme or similar be used for premises in Matlock at the premises when the premises are open to the public (and such a radio scheme is in use).
- 8 The DPS or other nominated staff member shall regularly attend any Pub watch group for Matlock (if in existence)
- 9 A drugs policy ('the drug policy') will be implemented to ensure that as far as practicable illegal drugs are not used or sold at the premises. The drugs policy will be kept under review by the DPS and updated in line with best practice.

Public Safety

- 10 The arrangements at the premises for means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- 11 The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the fire risk assessment for the premises.

Prevention of Public Nuisance

- 12 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situate
- 13 No new entry or re-entry to the premises after the terminal hour for the sale of alcohol, except for bona fide guests staying overnight at the premises.
- 14 During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
- 15 All Loudspeakers situated outside the premises shall be switched off at 22:00hours
- 16 A dispersal policy ('the dispersal policy') will be drawn up and implemented to ensure that customers leaving the premises do so as far as practicable without causing nuisance to residents in the immediate vicinity of the premises
- 17 A complaints log ('the complaints log') will be maintained and used at the premises for recording any complaints received in relation to noise nuisance caused by the premises. The complaints log will include details of the time, date and person making the entry, along with details of the complaint and any action taken. The Log will be made available to a police or council environmental protection officer on request.
- 18 During regulated entertainment indoors or after 23:00 in any event, all doors and windows in the licensed premises will be closed, except for access and egress.

Protection of Children from harm

- 19 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 20 Children shall be supervised at all times they are on the premises by a responsible adult.

21 Children will not be permitted on the premises after 21:00 unless attending a pre-booked function or taking a table meal.

Full Decision Notice is attached below.

Meeting Closed 11.25am

LICENSING & APPEALS COMMITTEE DECISION

(Licensing Act 2003)

Record of proceedings of Derbyshire Dales District Council's Licensing & Appeals Sub-Committee held on Monday 25 July 2016

Full name of Applicant: Derbyshire Police

Premises Address: The Railway Hotel, 7 Bakewell Road, Matlock DE4 3AU

Reason for attendance at the Sub Committee: To determine an application for a review of the premises Licence

CONSTITUTION OF COMMITTEE

Councillor Jean Monks (Chair)

Councillor Tom Donnelly

Councillor Richard FitzHerbert

APPLICANT'S REPRESENTATIVE

PC Sandra Barlow

NAMES OF OTHERS PRESENT (WRITE "NONE" WHERE APPROPRIATE)

Brett Wilson - Barrister

Eileen Tierney – Licensing Manager

Christine Laver – Democratic Services Team Leader

APPLICANT'S WITNESSES

None

PREMISES REPRESENTATIVES

In person

Piers Warne (TLT Solicitors – representing Greene King)

Martin Robson (Business Development Manager - Greene King)

1. The meeting was conducted in public, with the agreement of all parties.

The Subcommittee withdrew into private session to consider its decision and were advised by the Sub-Committee legal representative that only evidence that was relevant to the four licensing objectives could be taken into consideration and that it was important that any conditions attached to a licence should be to promote the licensing objectives.

2. Chairpersons note of evidence (i.e. concise details of all oral and written details put before the Committee)

The Sub-Committee received an assurance that the interim conditions imposed at the expedited hearing on 7 July 2016 had been implemented and complied with.

The Premises Licence Holder, the Police and the Licensing Authority had all indicated their agreement to the revised Operating Schedule.

Decision

RESOLVED
(Unanimously)

Having considered all the evidence put before it the sub-committee determined that:

1. The interim conditions imposed at the hearing on 7 July 2016 be revoked with immediate effect.
2. The modification of the conditions of the premises licence, as agreed by the Police and the premises licence holder and detailed below be accepted and that these replace the operating schedule in its entirety.

Reasons for Decision

The Sub-Committee considered that the Police and the premises licence holder had communicated satisfactorily in producing the revised operating schedule.(See below)

The Sub-Committee accepted an assurance, given by the Solicitor representing Greene King, that the policies and procedures detailed in the revised operating schedule would be implemented within 21 days of the hearing.

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Protection of Children from harm

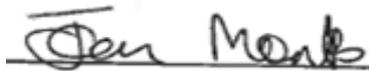
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- 20 Children shall be supervised at all times they are on the premises by a responsible adult.
- 21 Children will not be permitted on the premises after 21:00 unless attending a pre-booked function or taking a table meal.

Reasons for Decision

We consider that the Police did not provide sufficient evidence in support of their assertions of historical disorder taking place at the premises to justify suspension of the licence.

The overall impression made by the evidence provided by the licence holder was that there was a lack of robust management and responsibility with made us feel that further steps are needed to promote the licensing objective of preventing crime and disorder.

Chairman



Date

29 July 2016